

DRAFT - Correction of Appendix A and B of the NYS Section 303(d) List of Impaired/TMDL Waters

Supplement to the ‘DRAFT NYS 2018 Section 303(d) List of Impaired Waters Requiring a TMDL/Other Strategy’

Appendix A – Smaller Lakes Impaired by Atmospheric Deposition (Acid Rain)

The delineation of waterbodies into discrete segments must strike a balance between assessment units that are too small and specific, resulting in more segments than can be assessed with finite resources, and those that are too larger and general, resulting in segments that are too diverse and difficult to assess accurately. Determining specific boundaries for waterbodies assessment units is based on several factors which are outlined in USEPA’s Guidance for 2006 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) and 314 of the Clean Water Act, July 29, 2005. Following this guidance, NYSDEC has determined that Lakes, Ponds, and Reservoirs must be greater than 6.4 acres (0.01 square mile) to be included in the NYSDEC Waterbody Inventory/Priority Waterbodies List (WI/PWL) (NYSDEC Consolidated Assessment and Listing Methodology (CALM) 2015, page 4).

While developing the Draft 2018 NYS Section 303(d) List of Impaired/TMDL Waters, New York State Department of Environmental Conservation re-evaluated waterbody size for the waters listed in Appendix A of the NYS Section 303(d) List of Impaired/TMDL Waters and found that all of the waters listed in Appendix A do not meet the minimum size requirements to be included in the NYSDEC WI/PWL and are not waterbody segments reported to USEPA in the NYS Section 305(b) Report. As a result of not meeting the segment size criteria described in the NYSDEC CALM, Appendix A waters are being removed from the 2018 NYS Section 303(d) List of Impaired/TMDL Waters.

Appendix B – Listed Waterbodies Not Meeting Dissolved Oxygen Standards, Pending Verification of Use Impairments/Pollutant/Sources

Appendix B was originally reserved for waterbodies not meeting dissolved oxygen standards due to natural conditions. As indicated in Appendix B of the 2016 NYS Section 303(d) List of Impaired/TMDL Waters, it is widely accepted that morphology and other natural conditions may contribute to periodic dissolved oxygen depletion at lower depths in significant numbers of thermally stratified waters. However, bottom water conditions are not necessarily representative of the waterbody as a whole and aquatic life and other uses are often fully supported in these waters.

For the 39 waterbodies identified in the 2016 NYS Section 303(d) List of Impaired/TMDL Waters as not meeting dissolved oxygen water quality standards, the NYSDEC Bureau of Fisheries Database indicates supported fisheries. NYSDEC has concluded that these waters continue to support aquatic life use and Appendix B is being removed from the 2018 NYS Section 303(d) List of Impaired/TMDL Waters.

Finally, NYSDEC is currently evaluating its dissolved oxygen standards language in order to more appropriately reflect the impact of natural conditions and occurrence of periodic low dissolved oxygen in waters of the state. In the meantime, NYSDEC will review dissolved oxygen data in conjunction with other available data (particularly fisheries data and biological assessments that are more directly reflective of aquatic life use support) to determine the impact and specific causes in order to reach the most appropriate water quality assessment decisions as per the “Assessment of Naturally Occurring Low Dissolved Oxygen Waters” section of the CALM.